

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,  
Richmond, June 1, 1863.

GENERAL ORDERS, }  
No. 72. }

I. At the Military Court held for the Army Corps of Major General Samuel Jones, at Gray Sulphur Springs, Virginia, May 5th, 1863, was arraigned and tried:

Captain WM. S. ROWAN, Company A, 60th Va. Volunteers, on the following Charges—(the Specifications being numerous and lengthy, are omitted in this order):

Charge 1st,	-	-	-	-	-	-	-	Violation of the 83d Article of War.
Charge 2d,	-	-	-	-	-	-	-	Violation of the 99th Article of War.

II. *Finding and Sentence of the Court.*

Having maturely considered the evidence adduced, the Court find the accused, Capt. Wm. S. Rowan, Company A, 60th Va. Volunteers:

Of the 1st Charge,	-	-	-	-	-	-	-	Guilty.
Of the 2d Charge,	-	-	-	-	-	-	-	Guilty.

And do therefore sentence him to be dismissed the service of the Confederate States.

III. The proceedings, finding and sentence in the foregoing case have been submitted to the Secretary of War, to be laid before the President—and the following orders are now made thereon:

The charges are both too defective to sustain a trial. Neither the 83d nor the 99th Article of War, defines any offence whatever, nor do they direct the performance of any duty. No violation of either of those articles can properly be charged.

Under the 83d Article, the only charge to be preferred is "*conduct unbecoming an officer and gentleman*;" and under the 99th, "*conduct to the prejudice of good order and military discipline*." The specifications would then have been responsive to the charges, and would have sustained a trial and sentence in accordance with the evidence.

IV. For the reasons above assigned, the proceedings must be set aside; and Capt. Rowan will be released from arrest and restored to duty. The record discloses facts very disgraceful to him; but it is hoped that his accidental escape from deserved punishment may result in a determination to retrieve his character as a citizen and officer of the army.

By order.

S. COOPER,

*Adjutant and Inspector General.*